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Letter dated 31 December 2009 from the Chairman of the Security Council Committee established pursuant to resolution 1521 (2003) concerning Liberia addressed to the President of the Security Council

I have the honour to transmit herewith the report of the Security Council Committee established pursuant to resolution 1521 (2003) concerning Liberia (see annex), which contains an account of the Committee's activities during the period from 1 January to 31 December 2009. The report is submitted in accordance with the note by the President of the Security Council dated 29 March 1995 (S/1995/234).

(*Signed*) Abdurrahman Mohamed **Shalgham**
Chairman
Security Council Committee established pursuant
to resolution 1521 (2003) concerning Liberia

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Annex

Report of the Security Council Committee established pursuant to resolution 1521 (2003) concerning Liberia

I. Introduction

1. The present report of the Security Council Committee established pursuant to resolution 1521 (2003) concerning Liberia covers the period from 1 January to 31 December 2009. The web page of the Committee is available at www.un.org/sc/committees/1521/index.shtml.

2. For 2009, the Bureau consisted of Abdurrahman Mohamed Shalgham (Libyan Arab Jamahiriya) as Chairman, with the delegations of Turkey and Uganda providing the Vice-Chairmen. During the reporting period, the Committee held eight informal consultations.

II. Background information

3. Previous sanctions regimes concerning Liberia were imposed by the Security Council by its resolutions 788 (1992) and 1343 (2001), respectively. In its resolution 1521 (2003), the Council decided to revise the legal basis of the sanctions to reflect the changed circumstances in Liberia, in particular the departure of former President Charles Taylor, the formation of the National Transitional Government of Liberia and progress with the peace process in Sierra Leone. Under resolution 1521 (2003), the Council dissolved the Committee established pursuant to resolution 1343 (2001) and established a new Committee to oversee the implementation of the measures as modified and reimposed by the same resolution: an arms embargo, restrictions on the travel of individuals designated by the Committee on the basis of the criteria contained in the resolution, and prohibitions on the import of rough diamonds and round logs and timber products originating in Liberia. By resolution 1521 (2003) the Council also established a Panel of Experts consisting of up to five members, to provide the Committee with information regarding the implementation of the measures and progress made towards meeting the conditions for the lifting of sanctions. On 16 March 2004, the Committee issued a new travel-ban list, containing the names of individuals subject to travel restrictions imposed by paragraph 4 of resolution 1521 (2003).

4. In order to prevent former Liberian President Charles Taylor, his immediate family members, senior officials of the former Taylor regime, or other close allies or associates designated by the Committee from using misappropriated funds and property to interfere in the restoration of peace and stability in Liberia and the subregion, the Security Council decided, under paragraph 1 of resolution 1532 (2004), that all States would freeze without delay funds, other financial assets and economic resources owned or controlled directly or indirectly by Charles Taylor, Jewel Howard Taylor, Charles Taylor, Jr., and/or those other individuals designated by the Committee. On 14 June 2004, the Committee issued its initial list of individuals and entities subject to the measures contained in paragraph 1 of resolution 1532 (2004) (the assets-freeze list). By paragraph 5 of resolution 1532 (2004), the Council further decided that it would review the measures imposed by

paragraph 1 of that resolution at least once a year; no expiration date for those particular measures was provided in the resolution.

5. A summary of the imposition and extension of the various sanctions measures (excluding the assets freeze) together with the mandates of the Panel of Experts is contained in the table below:

Resolution number and date	*Arms embargo and travel ban extended for*	*Diamond sanctions extended for*	*Timber sanctions extended for*	*Panel of Experts established/ extended for*	*Symbols of Panel's reports*
Resolution 1521 (2003) 22 December 2003	12 months	12 months	12 months	5 months	S/2004/396 and Corr.1 and 2
Resolution 1549 (2004) 17 June 2004	n/a	n/a	n/a	6 months	S/2004/752 S/2004/955
Resolution 1579 (2004) 21 December 2004	12 months	6 months	12 months	6 months	S/2005/176 S/2005/360
Resolution 1607 (2005) 21 June 2005	n/a	6 months	n/a	6 months	S/2005/745
Resolution 1647 (2005) 20 December 2005	12 months	6 months	6 months	6 months	S/2006/379
Resolution 1689 (2006) 20 June 2006	n/a	6 months	(not renewed)	6 months	S/2006/976
Resolution 1731 (2006) 20 December 2006	12 months	6 months	n/a	6 months	S/2007/340
Resolution 1753 (2007) 27 April 2007	n/a	(terminated)	n/a	n/a	n/a
Resolution 1760 (2007) 20 June 2007	n/a	n/a	n/a	6 months	S/2007/689
Resolution 1792 (2007) 19 December 2007	12 months	n/a	n/a	6 months	S/2008/371
Resolution 1819 (2008) 18 June 2008	n/a	n/a	n/a	6 months	S/2008/785
Resolution 1854 (2008) 19 December 2008	12 months	n/a	n/a	12 months	S/2009/290 S/2009/640
Resolution 1903 (2009) 17 December 2009	12 months	n/a	n/a	12 months	

6. Notably, by its resolution 1683 (2006), the Security Council, welcoming the leadership of the newly elected President and her efforts to restore peace, security and harmony throughout Liberia, modified the arms embargo to incorporate additional exemptions for the Liberian Special Security Service and, subject to advance approval by the Committee, for members of the Liberian police and

security forces who have been vetted and trained since the inception of the United Nations Mission in Liberia (UNMIL) in October 2003.

7. By its resolution 1688 (2006), the Council decided that the travel restrictions imposed by resolution 1521 (2003) would not apply to former President Taylor for the purposes of any travel related to his trial before the Special Court for Sierra Leone, as well as any travel related to the execution of the judgement, and also to exempt from the travel ban the travel of any witnesses whose presence at the trial was required.

8. By its resolution 1689 (2006), the Council, concluding that sufficient progress had been made in meeting the conditions set out for terminating the measures on timber, decided not to renew the prohibitions on the import of round logs and timber products from Liberia; however, it also decided to review that decision after a period of 90 days and expressed its determination to reinstate the measures, unless forestry legislation as specified in the resolution had been passed. During the review, held on 20 October, the members of the Council concluded that there was no basis for reinstating those measures as otherwise stipulated in the resolution.

9. By its resolution 1731 (2006), the Council, recognizing the need for newly vetted and trained Liberian security forces to assume greater responsibility for national security, and taking note of the need for Liberian armed forces to procure humanitarian, medical and/or training equipment, further modified the arms embargo to exclude supplies of non-lethal military equipment.

10. By its resolution 1753 (2007), the Council, concluding that sufficient progress had been made in meeting the conditions set out for terminating the measures on diamonds, decided to terminate those measures, almost two months ahead of their date of expiration as set by resolution 1689 (2006).

11. By its resolution 1792 (2007), the Council also decided that States would notify the Committee upon delivery of all arms and related materiel approved and supplied in accordance with paragraph 2 (e) of resolution 1521 (2003).

12. By its resolution 1903 (2009), the Council decided that for a period of twelve months the measures on arms shall not apply to the Government of Liberia and it renewed the measures for a period of twelve months with regard to all non-governmental entities and individuals operating in the territory of Liberia. In the same resolution, the Council also decided that all States shall notify the Committee in advance of any shipment of arms and related materiel to the Government of Liberia or of any provision of assistance, advice or training related to military activities for the Government of Liberia. By the same resolution, the Council also decided to extend the mandate of the Panel of Experts on Liberia until 20 December 2010 and it included in the Panel's mandate, inter alia, a request to report on the implementation, and any violations, of the arms embargo against all non-governmental entities and individuals as well as the notification requirement described above. The Council also included in the Panel's mandate a request to assess the extent to which forestry and other natural resources are contributing to peace, security and development rather than to instability.

III. Summary of the activities of the Committee

A. Requests for exemptions to the measures

13. During the reporting period, the Committee considered and approved one request, in accordance with paragraph 2 (e) of resolution 1521 (2003), for exceptions to the arms embargo to enable members of the Liberian Armed Forces to participate in a number of training courses offered by the United States Government (communication dated 28 August 2009 from the United States Mission to the United Nations).

14. The Committee considered and approved four requests, in accordance with paragraphs 2 and 3 of resolution 1683 (2006), for exceptions to the arms embargo: (a) to enable the United States Government to provide training and equipment to the Ministry of Defence of Liberia (communications dated 18 March 2009 from the United States Mission to the United Nations and 23 March 2009 from the Permanent Mission of Liberia to the United Nations); (b) to allow the United States Government to ship equipment needed for planned training activities for the Liberian Special Security Service (communications dated 13 March 2009 from the United States Mission to the United Nations and 23 March 2009 from the Permanent Mission of Liberia to the United Nations); (c) to permit the United States Government to provide equipment to the Ministry of Defence of Liberia (communications dated 8 July 2009 from the United States Mission to the United Nations and 16 July 2009 from the Permanent Representative of Liberia to the United Nations); and (d) to permit the United States Government to provide equipment to the Armed Forces of Liberia (communication dated 16 September 2009 from the United States Mission to the United Nations).

15. During the period under review, the Committee also received one notification in accordance with paragraph 6 of resolution 1903 (2009) (communication dated 29 December 2009 from the United Kingdom Mission to the United Nations).

16. In accordance with paragraph 4 of resolution 1683 (2006), the Committee received, during the report period, three communications from UNMIL transmitting reports on the results of the Mission's inspections of inventories of weapons and ammunition obtained in accordance with paragraphs 1 and 2 of that resolution, to ensure that all such weapons and ammunition were accounted for.

17. The Committee considered ten requests for travel-ban waivers under paragraph 4 (c) of resolution 1521 (2003), of which six were granted. The Committee also received one notification dated 3 June 2009 from the United Kingdom Mission to the United Nations pursuant to paragraph 2 (a) of resolution 1532 (2004). Furthermore, the Committee received and approved one notification, dated 16 November 2009, from the Permanent Mission of the Kingdom of the Netherlands to the United Nations regarding the intention of the authorities of the Kingdom of the Netherlands to authorize access to frozen funds in accordance with paragraph 2 (a) of resolution 1532 (2004).

B. Review of the travel-ban and assets-freeze lists

18. During the period under review, the Committee received de-listing requests with regard to a total of 11 individuals from its travel-ban list (and assets-freeze list, where applicable). Of these, two requests were received from Member States and

nine were submitted through the focal point process as set out in the annex to resolution 1730 (2006). Following its process of consideration, the Committee agreed to de-list the following individuals: Mr. Talal Eldine on 5 June 2009 (SC/9674) and Mr. Ali Kleilat on 16 December 2009 (SC/9822).

19. In accordance with paragraph 6 (b) of the annex to resolution 1730 (2006), the Committee did not consider eight of the nine de-listing requests received from the focal point since the designating State did not support those requests.

C. Implementation of the sanctions regime

20. Acting upon a recommendation contained in the report of the Panel of Experts on Liberia (S/2008/785), on 15 January 2009 the Chairman dispatched a note verbale to the member States of the Economic Community of West African States, recalling the travel ban contained in paragraph 4 (a) of resolution 1521 (2003) and disseminating the Committee's travel-ban list.

21. Through a note verbale dated 26 February 2009, the Permanent Mission of the Republic of Serbia to the United Nations transmitted to the Committee a report of the Government of the Republic of Serbia on measures taken to implement resolution 1854 (2008).

22. Through a note verbale dated 6 August 2009, the Permanent Mission of Argentina to the United Nations transmitted to the Committee a copy of a Ministerial Decision promulgating the measures of resolution 1854 (2008).

23. In 2009, the Committee received no additional replies from States in response to its note verbale dated 20 January 2004 seeking information on the implementation of the sanctions measures imposed by resolution 1521 (2003); thus, the total number of replies received remains 17. The Committee also received no additional replies from States in response to its note verbale of 14 June 2004; thus, the total number of replies received remains 15. Pursuant to paragraph 4 (d) of resolution 1532 (2004), that note verbale sought information from all States regarding the actions they had taken to trace and freeze the funds, other financial assets and economic resources described in that resolution.

24. In its final report pursuant to paragraph 4 (e) of Security Council resolution 1854 (2008) (S/2009/640), the Panel of Experts found no concrete evidence of major actual or attempted violations of the arms embargo. The Panel confirmed that one listed individual had violated the travel ban. With regard to the assets freeze, the Panel reported that the Government of Liberia had not undertaken any actions to freeze the assets of individuals or entities on the Committee's assets-freeze list.

D. Other activities

25. On 14 January 2009, the Committee dispatched letters to the Permanent Representatives of Ghana, Guinea, Liberia, Sierra Leone and Togo to the United Nations as well as to the Chair of the Kimberley Process, drawing their attention to relevant recommendations contained in the report of the Panel of Experts (S/2008/785).

26. On 3 February 2009 (SC/9589), 12 May 2009 (SC/9657) and 26 August 2009 (SC/9736), the Committee updated information on its travel-ban and assets-freeze lists.

27. During its informal consultations on 9 January 2009, the Committee considered a de-listing request, which had been submitted in accordance with the de-listing procedure set out in resolution 1730 (2006), and a letter from the Director of Global Witness.

28. On 13 February 2009, during its informal consultations, the Committee discussed the programme of work of the Panel of Experts, whose mandate had been extended by resolution 1854 (2008). The Committee also considered a note verbale from a Member State containing a de-listing request.

29. During its informal consultations on 1 May 2009, the Committee considered an informal update from the Panel of Experts provided in accordance with paragraph 4 (e) of resolution 1854 (2008). The Committee also commenced the process of updating the guidelines for the conduct of its work in accordance with paragraph 3 of resolution 1854 (2008).

30. On 5 June and 16 June 2009, during its informal consultations, the Committee considered the midterm report of the Panel of Experts (S/2009/290). On 5 June the Panel presented its report and on 16 June the Committee considered the recommendations contained in the Panel's report. In response, the Chairman of the Committee wrote to the Under-Secretary-General for Peacekeeping Operations and the Permanent Representative of Liberia to the United Nations drawing their attention to the relevant recommendations of the Panel, which the Committee had endorsed. In a communication dated 21 August 2009 and addressed to the Under-Secretary-General for Peacekeeping Operations, the Special Representative of the Secretary-General for Liberia responded to the Chairman's letter.

31. On 25 June 2009, the Chairman of the Committee briefed the Security Council on the recent work of the Committee, particularly its consideration of the report of the Panel of Experts.

32. During its informal consultations on 29 July 2009, the Committee discussed the revised draft of the guidelines for the conduct of its work. The revised draft had taken into account comments received from Committee members. Subsequently, on 14 December 2009, the Committee adopted updated guidelines for the conduct of its work, which had been revised particularly with regard to listing and de-listing procedures (SC/9821).

33. On 10 November 2009, during its informal consultations, the Committee considered a de-listing request, which had been submitted in accordance with the de-listing procedure set out in resolution 1730 (2006).

34. During its informal consultations on 11 December 2009, the Committee considered the final report of the Panel of Experts (S/2009/640) and its recommendations.

35. On 15 December 2009, the Chairman of the Committee briefed the Security Council on the recent work of the Committee, particularly its consideration of the report of the Panel of Experts.

IV. Observations

36. The removal of the names of two individuals from the Committee's assets-freeze and travel-ban lists during 2009, as detailed in paragraph 18 above, is illustrative of the continuing trend towards the conditioned removal of sanctions related to Liberia, which began with the cessation of the prohibition on timber imports from Liberia in June 2006 and on rough diamond imports from Liberia in April 2007. Those de-listings were effected through requests from both Member States and the focal point for de-listing, demonstrating the effectiveness of both channels to pursue de-listings set out in the Committee's guidelines.